

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re: §
§
FREE SPEECH SYSTEMS, LLC, § Case No. 22-60043
§
DEBTOR. § (Subchapter V Debtor)
§ Chapter 11

**DEBTOR'S SECOND EMERGENCY MOTION FOR
EXTENSION OF TIME TO FILE A PLAN OF REORGANIZATION**

Emergency relief has been requested. If the Court considers the motion on an emergency basis, then you will have less than 21 days to answer. If you object to the requested relief or if you believe that the emergency consideration is not warranted, you should file an immediate response.

A hearing may be conducted on this matter on December 16, 2022, at 2:00 p.m.

Participation in the hearing will only be permitted by an audio and video connection.

Audio communication will be by use of the court's dial-in facility. You may access the facility at 832-917-1510. Once connected, you will be asked to enter the conference room number. Judge Lopez's conference room number is 590153. Video communication will be by use of the GoToMeeting platform. Connect via the free GoToMeeting application or click the link on Judge Lopez's home page. The meeting code is "judgelopez". Click the settings icon in the upper right corner and enter your name under the personal information setting.

Hearing appearances must be made electronically in advance of both electronic and in-person hearings. To make your appearance, click the "electronic appearance" link on Judge Lopez's home page. Select the case name, complete the required fields, and click "submit" to complete your appearance.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

Free Speech Systems, LLC (the "Debtor" or "FSS"), the debtor and debtor-in-possession in the above-captioned chapter 11 case (the "Chapter 11 Case"), respectfully files this *Second Motion for Extension of Time to File a Plan of Reorganization* ("Motion") requesting entry of an order substantially in the form attached hereto (the "Proposed Order") In support of the Application, the Debtor respectfully represents as follows:

JURISDICTION

1. The United States Bankruptcy Court for the Western District of Texas has jurisdiction over this matter under 28 U.S.C. § 1334. The matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

2. The statutory bases for relief requested herein are pursuant to 11 U.S.C. §§ 105(a) and 1189 of the Bankruptcy Code, Rule 3016 of the Federal Rules of Bankruptcy Procedure, and Rule 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (“L. Rule”).

3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

4. On July 29, 2022 (the “Petition Date”), the Debtor commenced a case by filing a petition for relief under chapter 11, subchapter v, of the Bankruptcy Code with the Court.

5. The Debtor continues to operate its businesses and manage its assets as a Debtor and a Debtor-in-Possession pursuant to Bankruptcy Code § 1182(2).

6. As of the filing of this Application, no creditors’ committee has been appointed in the Chapter 11 Case by the Office of the United States Trustee for Region 7 (the “U.S. Trustee”).

7. On October 12, 2022 the Court entered the *Stipulation and Agreed Order* [ECF # 233] ordering the Debtor, the “Sandy Hook Families” and PQPR, among others to mediation before the Honorable Marvin Isgur. The mediation is ongoing and, unless Judge Isgur declares an impasse, likely to continue for months as the parties explore the possibility of settlement.

8. The filing and prosecution of a plan by the Debtor would not be productive at this time and indeed, it might be detrimental to the mediation.

9. On October 25, 2022, the Court entered its *Order Granting Motion for Extension of Time To File a Plan of Reorganization* [ECF # 254] extending the time to file a plan until December 16, 2022.

RELIEF REQUESTED

10. By this Motion, the Debtor seeks entry of an order extending the deadline in which a Subchapter V Plan may be filed for a period of not less than 60 days.

11. The Debtor requests an emergency hearing on this Motion as the deadline for the Debtor to file a plan is December 16, 2022.

BASES FOR RELIEF REQUESTED

12. Pursuant to 11 U.S.C. § 1189(b), the Debtor is required to file its Plan of Reorganization within 90 days of the Petition Date, except that the Court may extend the period if the need for the extension is attributable to circumstances for which the Debtor should not justly be held accountable.

13. The original deadline for the Debtor to file a plan of reorganization was October 27, 2022, which was extended by Court Order until December 16, 2022.

14. The agreement to proceed to mediation as a means of potentially arriving at a resolution of a highly contentious case are circumstances for which the Debtor should not justly be held accountable.

CONCLUSION

WHEREFORE, the Debtor respectfully requests that the Court enter an order substantially in the form of the Proposed Order and grant any other appropriate relief.

Dated: December 6, 2022

FREE SPEECH SYSTEMS, LLC

/s/ Ray Battaglia

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**COUNSEL TO FREE SPEECH SYSTEMS,
LLC, DEBTOR AND DEBTOR-IN-
POSSESSION**

CERTIFICATE OF ACCURACY

I hereby certify that the foregoing statements are true and accurate to the best of my knowledge and belief. This statement is being made pursuant to Bankruptcy Local Rule 9013-1(i).

/s/ Raymond W. Battaglia

Raymond W. Battaglia

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was filed with the Court and served electronically upon those parties registered to receive electronic notice via the Court's CM/ECF system, as set forth below. I further certify that it has been transmitted by first class mail to the parties on the attached service list and those listed below.